

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Third Marshalled List]

After Clause 76

LORD BLUNKETT

After Clause 76, insert the following new Clause—

“Economic evaluation of impact of council tax levy

No change in existing council tax levy can be introduced without an independent economic evaluation of the impact on—

- (a) the likely level of income raised,
- (b) identifiable incidents of transfer of property to holiday lets and therefore to the national business rate,
- (c) the impact of the change to holiday lets on the national business rate,
- (d) the different impact on those owning accommodation compared to those renting accommodation, and
- (e) the likely impact on rent levels and affordability by local residents”

Clause 86

BARONESS TAYLOR OF STEVENAGE

Clause 86, page 94, leave out lines 28 to 30

Member's explanatory statement

This amendment would remove inserted subsection (5C), which would give primacy to the national development management policies over a development plan in the event of a conflict.

Clause 87

BARONESS TAYLOR OF STEVENAGE

Clause 87, page 95, leave out lines 12 to 16 and insert—

- “(3) Before designating a policy as a national development management policy for the purposes of this Act the Secretary of State must carry out an appraisal of the sustainability of that policy.
- (4) A policy may be designated as a national development management policy for the purposes of this Act only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to it, and—
 - (a) the consideration period for the policy has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or
 - (b) the policy has been approved by resolution of the House of Commons—
 - (i) after being laid before Parliament under section 38ZC, and
 - (ii) before the end of the consideration period.
- (5) In subsection (4) “the consideration period”, in relation to a policy, means the period of 21 sitting days beginning with the first sitting day after the day on which the statement is laid before Parliament under section 38ZC, and here “sitting day” means a day on which the House of Commons sits.
- (6) A policy may not be designated a national development management policy unless—
 - (a) it contains explanations of the reasons for the policy, and
 - (b) in particular, includes an explanation of how the policy set out takes account of Government policy relating to the mitigation of, and adaptation to, climate change.
- (7) The Secretary of State must arrange for the publication of a national policy statement.”

“38ZB Consultation and publicity

- (1) This section sets out the consultation and publicity requirements referred to in sections 38ZA(3) and 38ZD(7).
- (2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the proposal, subject to subsections (4) and (5).
- (3) In this section “the proposal” means—
 - (a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act, or
 - (b) (as the case may be) the proposed amendment (see section 38ZD).

- (4) The Secretary of State must consult such persons, and such descriptions of persons, as may be prescribed.
- (5) If the policy set out in the proposal identifies one or more locations as suitable (or potentially suitable) for a specified description of development, the Secretary of State must ensure that appropriate steps are taken to publicise the proposal.
- (6) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with the proposal.

38ZC Parliamentary requirements

- (1) This section sets out the parliamentary requirements referred to in sections 38ZA(3) and 38ZD(7).
- (2) The Secretary of State must lay the proposal before Parliament.
- (3) In this section “the proposal” means –
 - (a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act or
 - (b) (as the case may be) the proposed amendment (see section 38ZD).
- (4) Subsection (5) applies if, during the relevant period –
 - (a) either House of Parliament makes a resolution with regard to the proposal, or
 - (b) a committee of either House of Parliament makes recommendations with regard to the proposal.
- (5) The Secretary of State must lay before Parliament a statement setting out the Secretary of State's response to the resolution or recommendations.
- (6) The relevant period is the period specified by the Secretary of State in relation to the proposal.
- (7) The Secretary of State must specify the relevant period in relation to the proposal on or before the day on which the proposal is laid before Parliament under subsection (2).
- (8) After the end of the relevant period, but not before the Secretary of State complies with subsection (5) if it applies, the Secretary of State must lay the proposal before Parliament.

38ZD Review of national development management policies

- (1) The Secretary of State may review a national development management policy whenever the Secretary of State thinks it appropriate to do so.
- (2) A review may relate to all or part of a national development management policy.

- (3) In deciding when to review a national development management policy the Secretary of State must consider whether –
 - (a) since the time when the policy was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out would have been materially different.
- (4) In deciding when to review part of a national development management policy (“the relevant part”) the Secretary of State must consider whether –
 - (a) since the time when the relevant part was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the relevant part was decided,
 - (b) the change was not anticipated at that time, and
 - (c) if the change had been anticipated at that time, any of the policy set out in the relevant part would have been materially different.
- (5) After completing a review of all or part of a national development management policy the Secretary of State must do one of the following –
 - (a) amend the policy;
 - (b) withdraw the policy's designation as a national development management policy;
 - (c) leave the policy as it is.
- (6) Before amending a national development management policy the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the proposed amendment.
- (7) The Secretary of State may amend a national development management policy only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to the proposed amendment, and –
 - (a) the consideration period for the amendment has expired without the House of Commons resolving during that period that the amendment should not be proceeded with, or
 - (b) the amendment has been approved by resolution of the House of Commons –
 - (i) after being laid before Parliament under section 38ZA, and
 - (ii) before the end of the consideration period.
- (8) In subsection (7) “the consideration period”, in relation to an amendment, means the period of 21 sitting days beginning with the first sitting day after the day on which the amendment is laid before Parliament, and here “sitting day” means a day on which the House of Commons sits.
- (9) If the Secretary of State amends a national development management policy, the Secretary of State must arrange for the amendment, or the policy as

amended, to be published, and lay the amendment, or the policy as amended, before Parliament.”

Member's explanatory statement

This amendment stipulates the process for the Secretary of State to designate and review a national development management policy including minimum public consultation requirements and a process of parliamentary scrutiny based on processes set out in the Planning Act 2008 (as amended) for designating National Policy Statements.

Clause 88

BARONESS TAYLOR OF STEVENAGE

Clause 88, page 95, line 24, leave out “are” and insert “the Mayor considers to be”

Member's explanatory statement

This amendment is intended to remove ambiguity about whose opinion is relevant in relation to whether or not a matter is of strategic importance to more than one London borough.

Clause 102

LORD LANSLEY

Clause 102, page 130, line 28, at end insert –

“(5A) Where a subsequent planning permission (Permission B) is for localised changes to a wider development approved in the existing permission (Permission A), which would not have the effect of rendering the implementation of the Permission A physically impossible, the implementation of permission B does not preclude future reliance upon Permission A (in relation to existing or future development) outside of the area to which permission B relates.”

Member's explanatory statement

This amendment would support the continuation of “drop-in” permissions in large-scale developments, while maintaining the “Pilkington” principle, that they must not render the original permission physically impossible.

Schedule 11

BARONESS TAYLOR OF STEVENAGE

Schedule 11, page 344, line 38, leave out from “period,” to end of line 40 and insert “enables it to meet the level of affordable housing need identified in the local development plan.”

Member's explanatory statement

This amendment would require Infrastructure Levy rates to be set at such a level as to meet the level of affordable housing need specified in a local development plan.

Clause 210

BARONESS HAYMAN OF ULLOCK

Clause 210, page 242, line 36, at end insert –

- “(m) the establishment of a licensing scheme for the purpose of allowing local authorities to control the number of short-term rental properties in their area.”

Member's explanatory statement

This amendment would allow regulations to be introduced to license short-term rental properties.

After Clause 214

BARONESS HAYMAN
LORD FOSTER OF BATH
LORD BOURNE OF ABERYSTWYTH
LORD HUNT OF KINGS HEATH

After Clause 214, insert the following new Clause –

“National Warmer Homes and Businesses Action Plan

- (1) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, publish a Warmer Homes and Businesses Action Plan, to set out how it intends to deliver on –
 - (a) achieving a low-carbon heat target of 100% of installations of relevant heating appliances and connections to relevant heat networks by 2035,
 - (b) achieving EPC band C by 2035 in all UK homes where practical, cost-effective and affordable,
 - (c) achieving EPC band B by 2028 in all non-domestic properties, and
 - (d) introducing the Future Homes Standard for all new builds in England by 2025.
- (2) The Secretary of State must, in developing the Warmer Homes and Businesses Action Plan, consult the Climate Change Committee and its sub-committee on adaptation.”

Member's explanatory statement

This amendment imposes a duty on the Secretary of State to bring forward a plan with timebound proposals for low carbon heat, energy efficient homes and non-domestic properties and higher standards on new homes.

LORD RAVENSDALE

After Clause 214, insert the following new Clause –

“Town centre investment zones

- (1) The Secretary of State may by regulations make provision for the designation by the Secretary of State of an area as a town centre investment zone if the local authority responsible for the area has made an application to the Secretary of State and the conditions in subsection (2) have been met.
- (2) The conditions in this subsection are that, in its application under subsection (1), the local authority can demonstrate that –
 - (a) the local authority has a clear long-term vision for the town centre investment zone,
 - (b) the local authority has a clear strategy for bringing together local initiatives and council services,
 - (c) there are existing or historic town centre features within the area,
 - (d) local residents and business stakeholders have been, and will be, included in the planning of the town centre investment zone, and
 - (e) the local authority has an underpinning master plan, Business Neighbourhood Plan or Town Centre Area Action Plan.
- (3) The regulations must provide that a local authority may apply a discount to business rates for businesses operating in the local authority’s town centre investment zone.
- (4) By default the discount is to be set at 80% of the business rate charge that would otherwise be applied.
- (5) A local authority may set a discount of 100% of the business rate charge that would otherwise be applied.”

Member's explanatory statement

This amendment enables a new partnership model for regenerating high streets, called Town Centre Investment Zones (TCIZ). The TCIZ is a designated area within which local stakeholders would gain new policy powers and incentives to enhance investment viability and encourage businesses to set up in the area.

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